

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SEP 26 2012

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DEVENDRA SHUKLA,

U.S. ATTORNEY'S OFFICE

Plaintiff,

-against-

SAT PRAKASH SHARMA, individually
and as Director of VISHVA SEVA ASHRAM
of NEW YORK, et al.,

NOT FOR PUBLICATION
ORDER
07-CV-2972 (CBA) (CLP)

Defendants.

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AMON, Chief United States District Judge

Krishnan Chittur, former counsel for defendants in the above-captioned action, has moved the Court to order defendants to pay attorney's fees allegedly owed in connection with work performed during and in preparation for trial. D.E. # 150. Defendants, through new counsel, have opposed this motion, arguing principally that the Court lacks jurisdiction over the fee dispute. D.E. # 155. After Chittur replied to that opposition, D.E. # 157, defendants sought leave to submit supplemental briefing related to the jurisdictional issue as well as certain aspects of the underlying fee dispute, D.E. # 159. This application is granted consistent with the below direction.

Additional briefing is needed on the issue of the underlying fee dispute. Defendants are directed to (1) detail their contentions with respect to the timesheets, expense sheets, and invoices proffered by Chittur; (2) address whether Chittur has established an account stated under New York state law; and (3) raise any additional contentions related to their alleged obligation to pay attorney's fees to Chittur. Moreover, although the Court is satisfied of its jurisdiction over the fee dispute under *Itar-Tass v. Russian Kurier*, 104 F.3d 442 (2d Cir. 1998), *see also Lyndonville v. Lussier*, 211 F.3d 697, 704 (2d Cir. 2000); *In re MTBE Products Liability*

Litigation, 510 F. Supp. 2d 299, 323 (S.D.N.Y. 2007), it will permit defendants to submit limited briefing setting forth specific additional authority on that issue. Defendants' submissions shall be due on or before October 12, 2012. Chittur may submit a reply to this submission on or before October 26, 2012.

Lastly, neither party has provided the Court with a copy of the retainer agreement between the parties. Chittur is directed to provide a copy of the agreement on or before October 26, 2012.

In light of this Order, the status conference currently scheduled for October 4, 2012 is no longer necessary and is hereby canceled.

SO ORDERED.

Dated: September 21, 2012
Brooklyn, N.Y.

s/CBA

Carol Bagley Amon
Chief United States District Judge